

REMARKS

Applicants have carefully reviewed this Application in light of the Final Office Action mailed December 3, 2004. Claims 10, 16, 53 and 59 have been previously cancelled without prejudice or disclaimer by Applicants. Claims 1-9, 11-15, 17-52, 54-58, and 60-101 stand rejected under 35 U.S.C. §112 and §103. Claims 1-3, 8, 18, 24-26, 32-33, 36-37, 39, 43-46, 51, 61, 67-69, 75-76, 79-80, 82, 86-87 and 91-99 have been amended to further define various features of Applicants' invention. Claims 9, 17, 34-35, 38, 40-42, 52, 60, 77-78, 81, 83-85 and 100-101 are cancelled without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §112

Claims 40, 83, and 96 were rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite and failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner notes that each of Claims 40, 83, and 96 provide no antecedent basis for "the options menu selections." Claims 40 and 83 have been cancelled. Applicants have amended Claim 96 to correct the typographical errors such that Claim 96 now depends from Claim 94, which provides proper antecedent basis for "the options menu selections." Therefore, Applicants request the Examiner withdraw the rejections under 35 U.S.C. §112.

Rejections Under 35 U.S.C. § 103

Claims 1, 11-12, 14-15, 17, 26, 28, 34, 42, 44, 54-55, 57-58, 60, 69, 71, 77, 85, 87, 98, and 100 stand rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,327,486 issued to Richard S. Wolff et al. ("*Wolff*"), and also over U.S. Patent 6,477,246 issued to Robert A. Dolan et al. ("*Dolan*").

Claims 2-9, 18, 24-25, 27, 29, 32-33, 35-36, 38, 40-41, 45-52, 61, 67-68, 70, 72, 75, 76, 78-79, 81, 83-84, 88, 90-92, 94, 96-97, and 101 stand rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over the combination of *Wolff* and *Dolan*, as described above, and also over U.S. Patent 6,373,817 issued to Fen-Chung Kung et al. ("*Kung*").

Claims 13, 37, 56, 80, and 93 stand rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over the combination of *Wolff* and *Dolan*, which is described above, and also over U.S. Patent 5,758,280 issued to Misa Kimura (“*Kimura*”).

Claims 19-23, 30-31, 39, 43, 62-66, 73-74, 82, 86, 89, 95, and 99 stand rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over the combination of *Wolff*, *Dolan*, and *Kung*, which is described above, and also over U.S. Patent 5,933,778 issued to Michael Buhrmann et al. (“*Buhrmann*”).

Applicants respectfully request the Examiner withdraw these rejections of the claims under 35 U.S.C. §103(a), at least because none of the cited references, whether considered alone or in combination, recites the combination of limitations recited in the claims as currently amended.

For example, amended independent Claim 1 recites, in part:

receiving, via a user interface of a mediation subscriber communication device associated with a first party, a designation of an availability status of the first party;

transmitting said designated availability status from the mediation subscriber communication device for reception by a mediation system;

...

displaying [a] plurality of possible follow-through actions [regarding an incoming communication from a second party];

facilitating selection, via a data interface portion of the mediation subscriber communication device, of one of said follow-through actions; and

transmitting, from the mediation subscriber communication device for reception by the mediation system, said selected follow-through action such that the mediation system communicates said selected follow-through action and said designated availability status of the first party to the second party,”

Amended independent Claims 44 and 87 recite substantially similar limitations. Applicants submit that none of the cited references, whether considered alone or in combination, recite this combination of limitations. For at least these reasons, Applicants respectfully request reconsideration and allowance of all pending claims.

Information Disclosure Statement

Applicants would like to bring to the Examiner's attention that Applicants filed an Information Disclosure Statement on December 3, 2004. Applicants respectfully request that the Information Disclosure Statement be considered and cited in the examination of the above-referenced application. Applicants attach a copy of the Information Disclosure Statement and PTO Form 1449 as filed on December 3, 2004 for the Examiner's convenience and a copy of the postcard evidencing receipt by the Patent Office.

CONCLUSION

Applicants appreciate the Examiner's careful review of the application. Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. For the foregoing reasons, Applicants respectfully request reconsideration of all pending Claims 1-9, 11-15, 17-52, 54-58 and 60-101, as amended.

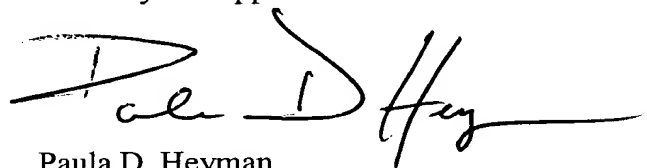
Applicants enclose herewith a Request for Continued Examination (RCE) Transmittal, and a check in the amount of \$395.00 for the RCE filing fee.

Applicants believe there are no additional fees due, however, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.322.2581.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorney for Applicants

A handwritten signature in black ink, appearing to read "Paula D. Heyman", with a long horizontal flourish extending to the right.

Paula D. Heyman
Reg. No. 48,363

Date: Feb. 15, 2005

SEND CORRESPONDENCE TO:

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